RECEIVED
CENTRAL FAX CENTER NO. 7287 P. 9
JUL 09 2007

REMARKS

Claims 8-24 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 8-9, 12-13, 15-17 and 19-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over US patent no. 6,591,272 (hereinafter Williams) in view of US patent no. 6,859,931 (hereinafter Cheyer). Claims 10, 11, 14 and 18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Williams in view of US patent no. 7,181,731 (hereinafter Pace) and further in view of US patent application publication No. 2003/0225801 (hereinafter Devarakonda). Entry of this amendment, reconsideration of the rejections, and allowance of the pending claims are requested in view of the foregoing amendments and the following remarks.

At the outset, applicant respectfully points out in connection with the rejection of claims 10, 11, 14 and 18 (over Williams in view of Pace and further in view of Devarakonda) that the Office Communication omits any explanation of the relevance of Pace. That is, the Office Communication omits explaining why Pace is a reference being applied to reject claims. Accordingly, applicant traverses this rejection and requests withdrawal of the finality of the rejection since, in view of the foregoing deficiency, applicant is not able to substantively respond to this basis of rejection. See M.P.E.P. 707.07(f) instructing that the Examiner should take note of applicant's argument and answer the substance of it. In any event, applicant will proceed to formulate a response as best one can understand this basis of rejection in view of the foregoing circumstances.

Claims 1-7 were previously canceled. Claims 8, 21 and 23 have been amended to further emphasize aspects of the present invention. Thus, claims 8-24 stand pending.

With regard to the rejection under Section 101, the applicant notes that independent claim 8 is directed to an object-based system for structuring, storing and processing of computer-readable data from a plurality of distinct software applications. Applicant respectfully submits that there is nothing imaginary about structuring, storing and processing of computer-readable data from a plurality of distinct software applications. Claim 8 further recites a physical structure, (e.g., a processor) adapted to process a type Object to produce a series of attributes in the type Object, and further adapted to process a type Feature to produce a series of attributes in the type Feature. Once again, applicant respectfully submits that there is nothing imaginary about using a processor as set forth in claim 8.

In addition, claim 8 recites structural and/or operational relationships that provide a tangible result, with real world value, such as 1) producing a network of objects that is free of incompatible data exchange structures in the plurality of distinct software applications, and 2) once such incompatibilities are removed, performing an exchange of computer-readable data between the plurality of distinct software applications. The foregoing constitutes a particular practical purpose that has a specific and substantial utility in an automation system being engineered in the real world with multiple software applications. Moreover, applicant believes that the foregoing results would be considered credible by a person of ordinary skill in the art, and, consequently, the rejection of claim 8 under 35 U.S.C. §101 as lacking utility (not producing a useful, concrete, and tangible result) should be withdrawn. Applicant makes reference to M.P.E.P. § 2106, "Patent Subject Matter Eligibility" and § 2107, "Guidelines for Examination of Applications for Compliance with the Utility Requirement", and respectfully submits that the claimed invention meets all applicable statutory requirements, and, furthermore, is consistent with the above-referred guidelines. In view of the foregoing discussion, the rejections of claim 8, and claims depending from such a claim should be withdrawn.

Independent claims 21 and 23 are respectively directed to an object-based method for structuring, storing and processing computer-readable data from a plurality of distinct software applications. Each of such claims recites structural and/or operational relationships that provide a tangible result, with real world value, such as 1) producing a network of objects that is free of incompatible data exchange structures in the plurality of distinct software applications, and 2) upon removal of such incompatibilities, performing an exchange of computer-readable data between the plurality of distinct software applications. The foregoing constitutes a particular practical purpose that has a specific and substantial utility in an automation system being engineered in the real world with multiple software application. Moreover, applicant believes that the foregoing results would be considered credible by a person of ordinary skill in the art, and, consequently, the rejections of claim 21 and 23 under 35 U.S.C. §101 as lacking utility (not producing a useful, concrete, and tangible result) should be similarly withdrawn for claims 21 and 23 and claims depending there from.

Applicant will now discuss the rejection of claims based on the Williams/Cheyer combination of references. Claim 8 is directed to an object-based system for structuring, storing and processing of computer-readable data from a plurality of distinct software applications. The

data comprises hierarchically structured data set objects stored in at least one object database. The data is subject to one or more incompatible data exchange structures in the plurality of distinct software applications. The computer-readable data is to be exchanged between the plurality of distinct software applications in accordance with a generic object model. Once the computer-readable data has been modeled in accordance with the generic object model, the data comprises a uniformly understood network of objects with respect to the plurality of distinct software applications. This uniformly understood network of objects is free of the one or more incompatible data exchange structures in the plurality of distinct software applications to perform the data exchange between the plurality of distinct software applications.

Williams is directed to a method and apparatus for translating the contents of databases into objects. More particularly, translating contents of relational databases to an object oriented view. See for example, Williams at: col. 4, lines- 08-45; col. 9, lines 51-53; col. 10, lines 33-36; col. 28, lines 18-23. The Office Communication acknowledges that Williams fails to describe or suggest an object-based system for structuring, storing and processing of data from a plurality of distinct software applications. The Office Communication then applies Cheyer to purportedly correct the deficiencies of Williams noted above.

Applicant will discuss below that the combination of Williams and Cheyer fails to constitute an appropriate *prima facie* combination of references for sustaining the rejection of claims 8-9, 12-13, 15-17 and 19-24 under the applicable §103 statutory requirements. As noted above, Williams is directed to a method and system for translating contents of relational databases to an object oriented view. Cheyer is directed to a distributed object system to facilitate interactions among a distributed agent community. Firstly, it is not apparent why one of ordinary skill in the art would combine Williams (a system for translating contents of relational databases to an object oriented view) with a reference that has nothing to do with relational databases, such as Cheyer that purports to facilitate interactions among a distributed agent community.

Even more fundamentally, Cheyer's principle of operation, as described by Cheyer, is substantially different from the structural and/or operational relationships claimed in the present invention. In Cheyer, in the event an incompatible protocol arises, then Cheyer must first translate an incompatible request for service to a bridge agent, then translate the incompatible request into the Intelligent Communications Language (ICL), then finally Cheyer must transmit the translated incompatible request to the facilitator. None of the foregoing is applicable to the

RECEIVED
CENTRAL FAX CENTER
JUL 09 2007

claimed invention. More particularly, in the presently claimed invention one removes (e.g., frees) the incompatible data exchange structures in the plurality of distinct software applications and then performs the exchange of computer-readable between the plurality of distinct software applications. That is, Cheyer teaches away from the claimed structural and/or operational relationships being that Cheyer requires one or more translations of the incompatible request, whereas the claimed invention advantageously removes (without having to perform the translation steps of Cheyer) the incompatible data exchange structures in order to perform the exchange of computer-readable data between the plurality of distinct software applications. In view of the foregoing discussion, applicant respectfully submits that the combination of Williams and Cheyer fails to constitute an appropriate *prima facie* combination of references for sustaining the rejection of claim 8, under the applicable §103 statutory requirements. More particularly, Williams and Cheyer, singly and in combination, fail to teach or suggest the specific structural and/or operational relationships of the claimed invention, and, consequently, this basis of rejection of claim 8 (and claims respectively depending from such a claim) should be withdrawn.

In connection with the rejection of claims 10, 11, 14 and 18 under 35 U.S.C. §103, over Williams in view of US patent no. 7,181,731 (hereinafter Pace) and further in view of US patent application publication No. 2003/0225801 (hereinafter Devarakonda). As noted above, the Office Communication nowhere describes the relevance of Pace in connection with the claimed invention. In any event, applicant believes that none of the applied secondary references including Pace) overcomes the fundamental deficiencies of Williams noted above. Accordingly, applicant believes that the rejection of claims 10, 11, 14 and 18 should be withdrawn.

Conclusion:

It is respectfully submitted that each of the claims pending in this application recites patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

Serial No. 10/532,738
Atty. Doc. No. 2002P16717WOUS

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 7/9/07

By: _____

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830